

Mr. Phillips, when Mr. Smith received three votes, Mr. H. Gregg seven. There still being no election a third ballot was taken. Mr. H. Thomas and Mr. W. Thomas being withdrawn, when Mr. Smith received three votes, Mr. Gibson nine votes, Mr. Baker eight votes, and Mr. Gregg nine votes. There being no election the Senate proceeded to a fourth ballot, Mr. Gregg's name being withdrawn, when Mr. Smith received eight votes, Mr. Gibson nine, and Mr. Baker twelve. No one candidate having yet received a majority a fifth ballot was taken, Mr. Gibson's name having been withdrawn, when Mr. Smith received eighteen votes and Mr. Baker eleven votes.

Mr. Smith having received a majority of the votes cast was declared duly elected Chaplain of the Senate.

Mr. Erath offered the following resolution: "**Resolved**, That the Judiciary Committee inquire into the expediency of suspending the law of limitations during this war and report by bill or otherwise." Adopted.

Mr. Mitchell introduced a bill to amend the 1st section of an Act to regulate the license and practice of attorneys and counsellors at law. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Harcourt introduced a bill to reestablish the boundaries of the State of Texas. Read 1st time.

Mr. Parsons offered the following resolution: "**Resolved**: That the Sergeant-at-Arms be and he is hereby authorized and instructed to employ an additional porter for the Senate the compensation for whom shall not exceed one dollar per day." Adopted.

Mr. Guinn offered the following resolution: "**Resolved**, That the Committee on Militia and Military Affairs be and they are hereby requested to inquire into the expediency of so amending the militia law of this State as to effect a thorough and efficient organization of the militia of this State and report by bill or otherwise." Adopted.

On motion of Mr. Moore the Senate adjourned until 10 o'clock A. M. tomorrow.

Saturday, November 9, 1861

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called. Quorum present.

Mr. Darden asked to be excused from serving on the Judiciary Committee and on motion of Mr. Guinn, Mr. Shepard was added to that committee in his stead.

Mr. Obenchain presented a petition from the citizens of Parker County asking for a special court for criminal purposes. Referred to Judiciary Committee.

Mr. Selman presented the memorial of citizens of Tyler, Smith County, relative to the sale of spirituous liquors,

&c., and introduced a bill regulating the sale of spirituous liquors or other intoxicating drinks in quantities less than one quart in and near the town of Tyler. Read 1st and 2nd times and referred with the memorial to Judiciary Committee.

Mr. Durant offered the following resolution: **"Resolved,** That the Committee on Finance be and is hereby instructed to inquire into the propriety of so sustaining the Confederate currency as to make it receivable by the State in the payment of taxes with all other debts due the State."

Mr. Weatherford moved to amend by adding after the words "Confederate currency" the words "and State Treasury warrants." Accepted and the resolution was adopted.

Mr. Selman offered the following resolution: **"Resolved, the House concurring,** That a joint committee of eleven members, five from the Senate and six from the House of Representatives, shall be appointed whose duty shall be to consider the financial affairs of the State and as early as practicable propose to the House of Representatives such means for relief as in their opinion will best serve the public interest."

Mr. Mitchell offered the following as a substitute: **"Resolved, the House concurring,** That the Committee on Finance of the Senate and House be instructed to act in concert with each other and propose to the House of Representatives as early as practicable such means for financial relief as in their opinion will best serve the public interest."

On motion of Mr. Durant the substitute and the resolution were laid on the table.

Mr. Guinn introduced a bill to establish certain regulations for the management of the lunatic, deaf and dumb, and blind asylums. Read 1st and 2nd times and referred to Committee on State Affairs.

A message was received from the House transmitting to the Senate the message of Governor Edward Clark.

## EXECUTIVE DEPARTMENT <sup>5</sup>

Austin, Texas, November 1, 1861

**Gentlemen of the Senate and House of Representatives:**

Your presence at the seat of government is at all times an occasion of great interest and congratulation but at no period within the memory of any member of your Honorable body have the representatives of the people convened under circumstances of so much necessity for

<sup>5</sup> This speech may also be found in Executive Record Book, No. 279, 1860-1861, pp. 351-363 (Texas State Archives, Austin).

their deliberation, or so heavily burdened with the responsibilities of the future as the present. You are direct from the people, and your acts will be the reflections of their will. This fact and your combined intelligence render confident the assurance that your enactments will afford complete justification of the past, sustenance for the present and security for the future.

It is the constitutional duty of the Executive to communicate to you information of the state of the government and recommend to your consideration those reasons which may be deemed essential to the advancement of the public welfare. In contemplation of the circumstances which surround him, being as he is the creature of the convention and not directly of the people, it will perhaps be sufficient that he should confine himself to those facts which will enable you to arrive at a positive understanding of the actual situation of the State rather than to make suggestions as to the policy you should adopt. This will more appropriately become a matter of subsequent recommendation.

In consideration of our position as an independent state, and at the same time as one mighty element in a young but hopeful nation which is battling for its life, the subject of primary interest is a survey of our military condition. To arrive at an understanding of this subject you will receive a brief recapitulation of the steps which have been taken to secure our military defenses. You will also hear of those things which have been attempted and like wise of the insurmountable difficulties which in this respect have impeded the administration. From these significant facts it will prove no difficult matter for your Honorable body to deduce the results which must be consummated in order that Texas may become proof against peril and strengthened in the power to aid in the establishment of the general government.

Among the first and most important duties devolving upon the Executive was to raise the regiment required by the Ordinance of the Convention to provide in part for the military defense of the state. Enrolling officers were appointed in different sections of the state and the number of companies necessary to make up the force were speedily obtained. The greatest dispatch was required in procuring these troops, it being important to have them in the field by the time the United States forces then on our frontier, should be withdrawn, their removal being inevitable in consequence our own withdrawal from the Union. San Antonio was named as the place for the con-

centration of the regiment and the colonel selected to command it ordered to repair thither and superintend its organization.

The exigences of the service however not permitting his absence at the time from his position on the Rio Grande the remaining field officers were required to supply his place in the preparation of the regiment for service.

This is a mounted force, and of all troops the most expensive, and to serve for twelve months from time of enlistment. To save the state the immense cost of its maintenance and combine our military defences in the same hands induced an early effort on the part of the Executive to procure its transfer to the Confederate government. In order to more successfully and immediately carry out this design General James H. Rodgers was about to visit Montgomery, the seat of government—who was entrusted with its accomplishment and furnished with the necessary authority and such instructions as were deemed essential.

By prompt and energetic attention to the subject, and aided by the representations of others of our citizens who happened to be present he succeeded in getting the Honorable Secretary of War to accept the regiment. Of this result due notice was given to the Executive, and upon the organization of the command it was mustered into the Confederate service, the authorities of Texas thereby being relieved of all further connection with it.

It may devolve upon the state to provide for the expenses incurred from the incipency of this regiment up to the date of its transfer, but it is believed that these expenses are covered by a recent law of the general government and that the state will be reimbursed.

War having actually commenced between the United States and the Confederacy, the immense increase of business of a military character arising out of this condition of things rendered it necessary to put into active operation the office of Adjutant General. The labors of this office have been very extensive and beneficial, notwithstanding the fact that they have been performed under lame and inefficient laws. The results may readily be seen in the present organized condition of our military strength. In the present crisis it is a very important branch of the public service, and that you may be better informed as to its past transactions and of its future requirements I respectfully refer you to the very explicit report of the Adjutant General herewith transmitted

marked "A".<sup>6</sup>

The encampment of United States forces near Indianola became early in the administration an object of attention. These troops were departing from the state by virtue of an agreement between General Twiggs and the Commissioners of the Convention.

In conformity with these stipulations they were to retain a full complement of arms and ammunition. Thus provided they had collected to the extent of several companies at Green Lake under the pretense of awaiting transportation from our shores. From the threatening aspect which affairs had assumed it was not improbable that the Federal government would order these six or seven hundred well appointed troops to take possession of and hold this seaport to our very serious disadvantage.

Therefore it was deemed a matter of policy, if not of absolute necessity, to require their immediate embarkation in compliance with the terms of the agreement before mentioned.

Accordingly a commission under the immediate control of the Adjutant General was authorized to make this demand, and if it was not complied with to call out a force sufficient to capture and disarm them.

This commission was proceeding rapidly to the discharge of its duty when the opportune arrival of General [Earl] Van Dorn with full authority to effect this same purpose superceded the necessity of further action on its part.

The vulnerability of the sea coast was now an object of earnest solicitude, and it was the duty of the Executive of Texas to urge its defense upon the Confederate Government. This was done, and the President requested to send immediately a competent engineer to make an examination and report upon those fortifications which were necessary.

In the meantime, the precautionary measures were taken of sending several hundred stand of arms from those seized at San Antonio to be used in the defense of Matagorda Bay and Galveston Island.

Steps were taken at the same time to have the heavy guns which had been captured at Fort Clark conveyed to the coast.

About this time the able Confederate officer who had been designated to command the Military Department arrived. Thus rested an important subject in his appro-

<sup>6</sup>None of the reports or documents referred to in this message can be found. They were not included with Governor Clark's message as recorded in the journal manuscript or in the Executive Record Book transcription of the same message.

priate hands and relieved the state of that which she had not the power to accomplish.

As an efficient step to secure the defense of our northern border Colonel William C. Young was authorized to raise a regiment of cavalry. This movement was demanded by the probability of an invasion in this quarter. Difficulties accumulating in the states north of us, it became necessary to increase this force, and accordingly three additional regiments were raised similar to the first.

If an invasion had been projected towards us it seemed to be the policy of Texas to meet it as far as possible from her own limits. With a view to this purpose, Colonel [George M.] Flounoy was sent as a special commissioner to the Governor of Missouri to concert such measures as the ability of Texas and the welfare and safety of both states should justify and demand. This mission although it produced no immediate action on the part of the State was satisfactory in its results. The report of the same is being transmitted to you herewith.

An effort to have these regiments received into the Confederate service succeeded, and they are now employed in that capacity. The expenses however in consequence of their organization and the time they were retained in the field previous to their reception into the Confederate army devolve upon the State and it will remain with your Honorable body to adopt measures to meet them.

It was thought prudent to secure to the State all of the ammunition which could be obtained from merchants at this and other points; therefore it was purchased, a small amount it is true, but it is well that it should be in the possession of the State by which it may be used as emergencies may require. Some flint lock muskets which had for a long time been the property of the State were caused to be altered by contract into percussion muskets and otherwise improved. They are limited in number but are now equal in efficiency to the most improved arms of like character.

An order has been issued to have manufactured several pieces of ordnance at the Galveston foundry, and also a number at La Vaca.

These minute transactions have been mentioned because they were performed without authority from the Legislature. Of their propriety it requires neither explanation nor argument to convince you, and it is only necessary to bring the action respectfully to your attention in order that you may approve and sustain it.

In the deficiency of an adequate supply of state arms, and in view of the fact that if it became necessary to

repel an invasion we should be forced to depend upon the private arms in the hands of individuals, it was determined to ascertain as far as practicable the number of these upon which we might rely. A request was issued to the Chief Justice of each county to institute an inquiry for this purpose and the result as far as is known is highly gratifying. Forming an estimate from the returns which have already been received the number of these arms will not fall short of forty thousand. With this fact as a basis, your Honorable body may perhaps think it judicious to provide the means for having these arms put in a condition for service and so situated that they can be made available.

Upon the 7th of April a requisition was made upon the Executive of Texas by the Honorable Secretary of War for three thousand men and upon the 24th of the same month an additional requisition for five thousand was received.

These troops were to be infantry. They were to be organized and drilled and held in a state of perfect readiness but were not to be mustered into service unless it was under a subsequent call. Proclamations were accordingly issued calling upon the people to organize themselves into companies. This was done with great promptitude considering the scattered condition of our population and the natural aversion to infantry service. The first demand, however, for their active services was a requisition from the War Department for twenty companies to go to Virginia. These companies which had been organized in obedience to an order from the Secretary of War for twelve months were now required to be mustered in for the war. This change was productive of some dissatisfaction and occasioned a trivial delay. Not much time had elapsed however before the required number of companies was ready and the Confederate officer to whom the Executive had been authorized to report them was notified of the fact that he could take them under his control. He insisted upon certain points of rendezvous at which they were concentrated, and mustered into the service of the Confederate States. With this consummation of course all responsibility of the State ceased, and if these patriotic soldiers as has been said suffered any unnecessary inconvenience before leaving the State, it was not the fault of the authorities of Texas.

In conformity with the present Militia law brigadier generals were appointed in the thirty-two districts of the state and they have been required by repeated and explicit orders to organize the militia. This has been done by

many of the gentlemen appointed, and to a very commendable extent, but it is with regret that the Executive cannot report a more thorough and complete organization of this force. In addition to this the people have been urged in different proclamations to organize themselves into companies and offer their services to the Confederate States or to the State but through the Adjutant General's office.

Thus we might hope to have soldiers ready for Confederate service whenever that government required them, and a reserve corps of many thousands to preserve the inviolability of our own soil.

In order to facilitate this organization, it was thought advantageous to invite these companies into camps of instruction there to remain long enough to fix their respective organization and acquire at least the elementary principles of drill and discipline.

For this temporary life in camp the soldiers were to receive no pay, and the patriotism of the people which had manifested a strong desire to express itself in this respect would be relied upon to support them.

These camps were successful only to a limited extent. Various causes transpired to prevent, in some instances, their formation, and in others to render them but of short duration.

The movement was an experiment and although it did not meet with that success which would have advanced to a great degree the military condition of the State yet it has been productive of some advantages and has imposed upon the State but a trivial pecuniary obligation.

No practicable means have been left untried to form into military companies all the able bodied men of Texas. The people have been appealed to directly by the Executive, and by many individuals appointed by him for that purpose, to organize into companies of some character, get the best arms they could obtain and inform the authorities of the State of their localities and condition.

It will readily be understood that efforts of this character must have encountered difficulties numerous, and not insignificant, and have often proved futile as they were informal.

Among the most general of the difficulties was the fact that the troops were to a great extent required to be infantry. The predilection of Texans for cavalry service, founded as it is upon their peerless horsemanship, is so powerful that they are unwilling in many instances to



engage in service of any other description, unless required by actual necessity.

This passion for mounted service is manifest in the fact that no call for cavalry has yet been made which has not been complied with almost instantaneously and there are companies of this character now throughout the State which are eager for service.

An additional fact to which the serious attention of the Legislature is especially directed is that military organizations have taken place within the limits of Texas without the authority or knowledge of her Executive. Various gentlemen have been authorized by those at the head of the Confederate government to raise regiments without the intervention or cognizance of state authorities. This action has been emphatically objected to through the Texas delegation at Richmond, but the objection has not been heeded.

Another serious obstacle has been the want of legislative authority and of the material resources for placing volunteers in an organized and effective position.

The present militia law, as all other laws made for similar purposes in times of peace, is impracticable in its character and unwieldy in its operations. The efforts which have been made under its provisions have disclosed the fact that it is ill adapted to the necessities of an actual war.

It will be the duty of your Honorable body to remedy the defects of this law and to render it more useful in accomplishing the object for which it was intended.

The last serious obstacle to the military operations of the State which will be mentioned is the fact that the previous legislature did not have a full appreciation of the greatness of the conflict—upon the threshold of which we then stood.

We could all see the majestic and triumphant Confederacy of States down the vista of the now distant future, but all did not realize a sense of the trial and struggle through which we were to pass.

Hence it was that the Honorable body to which I allude made no provision for the contest into which we are now plunged, and those things which have been accomplished have been done to a great extent without the sanction of positive legislation, and upon the responsibility of the Executive.

But, not regarding all the difficulties which have impeded the action of the State and looking only to those results which have been attained by the spontaneous action

of the people, we have reason for congratulation upon the past and for additional self-reliance in the future.

Twenty thousand Texans are now battling for the rights of our new born but gigantic government. They are waiting to win fresh laurels in heroic old Virginia. They are ready to aid in lifting the yoke from Kentucky's prostrate neck and are marshalled in defence of the sovereignty of Missouri. They have covered with a brilliant glory the plains of New Mexico and are formed in a cordon of safety around the border of our own great State.

If such positive results have sprung from the spontaneous action of the people, what may we not hope will be accomplished when the entire latent forces of the State are shaped into system and efficiency?

The number of able bodied fighting men in the State forming an estimate from all the data which can be commanded is more than one hundred thousand. What then is required is a definite practical legislation that will enable this mass to be commanded, and provide for the formation of such a military system as our necessities require.

For the accomplishment of this object the Executive does not feel authorized to commend to you any particular line of policy. That can be best determined upon by the superior wisdom of your Honorable body.

In February last the Committee on Public Safety acting with full power under an ordinance of the Convention sent some troops to Fort Brown, and other points on the lower Rio Grande. These companies were mustered into the service of the State for six months. An opportunity was subsequently extended to them of being received into the Confederate army. This they refused to do and were therefore State Troops to the time of the expiration of their term of service. Just before the time of their enlistment was completed Colonel Charles Lovenskiold was sent as a special agent to the Rio Grande to ascertain their condition, investigate the causes of certain disaffection which was said to exist, muster them out of service and have them transported to Victoria. This agent has thus far discharged his duty with signal promptitude and ability. The business however has proved one of such extent that he has not yet completed it to make his final report.

These troops which have undergone many hardships and privations, could not be paid even in Treasury warrants. There was only the power to issue to them certificates of debt, and their payment is a subject to which the early attention of the Legislature is invited.

Some complaints have reached the Executive to the effect that this command has suffered from the negligence

of the authorities of the State. These troops had been sent out on a suddenly conceived expedition and without that thorough organization of the Quartermasters and Commissary Departments so essential for a lengthy station in an isolated locality. They were under the management of an accomplished commander who doubtless adopted every possible means to insure their comfort. The reports from this officer indicate occasionally an approaching want of supplies, but in many of them he announces having made temporary arrangements; and upon the 30th of June, he says, "We have supplies enough on hand for two months to come," which time would complete the period for which these troops were enlisted.

These facts in addition to the one that the Legislature had made no provision for the purchase and transportation of supplies to this command will permit nothing reprehensible to attach to the authorities of the State in regard to it.

By act of the last Legislature the Governor was required to negotiate a loan of one million dollars by having the bonds of the State to that amount executed and placed in the hands of an agent to be sold from time to time and the proceeds of sale deposited in some bank in the City of New Orleans.

It was attempted promptly to carry out this law by the appointment, as agent of the State to negotiate the loan, of General E. B. Nichols of Galveston. He was as will be seen by documents (Doc "B") herewith submitted, properly accredited for the purposes of his mission, and fully instructed as to his powers and duties.

He only partially succeeded. The bonds to be procured have reached this department and are now deposited in the Treasurer's office. He however did not succeed in negotiating the loan or any portion of the same. His report shows the causes consequent upon the financial depression of the country which operated against the accomplishment of the desired end.

The matter is commended to the consideration of your Honorable body for such action as you may deem necessary. The law is still in force and the authority to the agent unrevoked.

Whether or not the existing state of affairs will justify the continuance of the effort to carry out the intention of the Legislature in this respect is a question which addresses itself forcibly to your determination.

In obedience to this same law there is now being collected the tax imposed for the payment of the interest to accrue upon the bonds which might be negotiated. This

tax cannot be diverted to any other purpose from the one for which it was intended by the law. The question then arises, provided the object of the act is not attained, whether or not it is essential to the public interest to enforce its collection.

By an act of the same session, with the one already noticed, you will perceive that for the purpose of securing means for the payment of certain debts created by authority of the Convention the Executive was required to borrow the sum of ninety thousand dollars for twelve months the interest not to exceed twelve per cent. And if necessary he was further authorized to withdraw bonds of the Texas Central Rail Road Company to the amount of \$150,000 and hypothecate them for payment of the principal and interest of the loan.

Documents herewith submitted will show the steps taken to comply with the object of this law. The required amount of bonds as above specified were delivered to General [Ebenezer B.] Nichols for the object contemplated in the act. They were deposited by him in the Citizens Bank of New Orleans where they still remain. He will when opportunity may offer withdraw the bonds and return them to the proper office at this place, unless otherwise instructed. No portion of this loan has been obtained.

The heads of the different departments of the government have extended to the Executive their constant co-operation and advice and have been to him of very great service for which he acknowledges his deep indebtedness.

Their very able and satisfactory reports are submitted to you with this communication. To them you are referred for specific details and suggestions connected with their respective departments.

You are especially referred to the comprehensive facts and sound suggestions embraced in the report of the Honorable Comptroller.

The question of finance is at all times one of primary importance with a legislative body; but never before in the history of Texas has it possessed such surpassing importance and at the same time been environed by so many difficulties.

By reference to Document "A" of the Comptroller's report it will be seen that the balance on hand in the Treasury on the 31st of August amounted to \$36,866.34 including \$604.01 in ten per cent Treasury warrants.

The taxes of the present year do not become available before June, 1862, and it will be remembered that there is no probability that the State bonds provided for by the last Legislature will to any extent be negotiated. Hence

the absolute necessity of your adopting measures to raise a revenue adequate to the wants of the State and to replenish the Treasury.

Again commending to you the report above alluded to (Doc "C"), the Executive leaves the solution of this difficult problem to the combined ability of the Legislature.

The above report discloses the fact that of several railroads which borrowed money from the State, under the law of ..., 1854, at least five have failed to pay the interest due upon their indebtedness. In the occurrence of this failure the duty of the Executive is plainly pointed out by the law. This duty did not escape his attention. The best course to pursue under the circumstances, and the one which would be productive of the least evil to the State was of difficult determination. Upon consultation with the Comptroller, Treasurer and Attorney General it was decided most expedient not to enforce the law in this instance. Had it been done by the State, under the existing depression of monetary affairs and by virtue of the law would necessarily have become the purchaser, a result not at all desirable. These roads in consequence of the embarrassed condition of the country would have been more profitless in the possession of the State than in that of the companies.

The damage arising from the failure of these companies to meet their liabilities attached to the school fund the interest arising from this source, constituting a part of the distributable fund for the support of public schools. The sum involved in this instance, when divided among the scholastic population of the State, would be so inconsiderable to each individual as to render it a matter of no material importance.

It has not been the disposition of the Executive to excuse these delinquent companies, but his course has been pursued with the hope of promoting the best interests of the State. No right has been impaired by his failure to advertise and sell the roads and this course it is believed would have inflicted a greater injury upon the public than that which has been occasioned to the school fund.

The Executive concurs in the Comptroller's recommendation that some more effective means be adopted to secure the payment of this interest.

To the report of the Commissioner of Claims (Doc "D") giving an account of the transactions of his office and asking that duplicate issues of lost scrip and a certificate issued by him according to his construction of the law regulating his court, your attention is recommended.

The report of the Committee on Printing announces

the fact that there is no public printer, all the bidders for the contract having failed to complete it. To provide for this want is a subject which will doubtless commend your early attention.

The different eleemosynary institutions of the State have continued their good work, and have been conducted in all respects in a manner commensurate with the divine object of their formation. Whether or not this labor of charity should be curtailed or modified in its practical operations and expense by the stern necessities of an actual war is a question that commends itself to your consideration.

The report of the Directors, Superintendent and Financial Agent of the Penitentiary are also transmitted to you. The latter shows a discrepancy of the amount of goods received and the amount accounted for of very great magnitude. This deficiency is said to be the result of errors in posting the books and it is confidently believed that it will be satisfactorily explained. Aside from this the institution has not only been eminently prosperous in its operations but it has also been of great service to the State. The blockade of our ports cutting off all the usual sources of supply of manufactured goods and the increased demand for such fabrics consequent upon retaining a large number of troops in the field directed the attention of the Executive to the manufacturing power of this institution. Its managers were requested to apply the whole of their available force to the fabrication of goods for military purposes. This has been assiduously done.

Would it not be a wise policy for the Legislature to take steps to purchase all goods made at this institution suitable for the use of our troops, or to make an appropriation for its support and take possession of all its fabrics of a required class? By these means the State may be able to a great degree to clothe the soldiers of Texas who may be in the field.

Thus you may be able to comply with the prudent suggestion of the Secretary of War contained in a letter which is submitted to you. This communication advises that this State supply her own troops with clothing and receive for the same the commutation of twenty-five dollars for every six months clothing furnished each soldier. State agency in this respect will prove more efficient than the operations of the general government and the subject is well worthy of your consideration.

By act of Congress all claims incurred by the several states of the Confederacy arising from the circumstances which impelled their action previous and subsequent to

their several acts of secession are assumed by the Confederate Government. The act requires the governors of the several states to forward the claims to the Secretary of the Treasury in order that they may be audited. They will have to be collected and thrown into shape by the several states, and for this purpose some provision having such object in view should commend itself to your consideration.

In compliance with a joint resolution of the Legislature, "providing for the turning over of property now in the possession of the State, lately taken from the U. S. Government to the Confederate States Government," and upon the arrival of the agents of the Confederate States the Ordnance and Inspector General and Quartermaster General designated by the Convention to take control of all such property were ordered to turn it over to the proper agents. This property in charge of the Ordnance and Inspector General was promptly transferred and the required schedule and receipts filed with the Comptroller.

It was impossible that the work of the Quartermaster General should be so rapidly completed. The property under his charge was turned over *en masse* in order to facilitate the operations of the Confederate Government in this Department; but a considerable time has been required "to receive and take receipts for the same accompanied by schedules specifying each item and its condition."

The gentleman upon whom devolved the duties of this office has discharged them faithfully and ably; but the immense amount of property which he was required to transfer and the extent of country over which it was scattered have protracted the operations of his office. His report is herewith submitted (Doc "I").

An ordinance of the Convention appointed Major Ben McCulloch to purchase or otherwise obtain for the State of Texas one thousand Colts revolvers and one thousand Morse rifles or a like number of such other weapons of a similar character as he might approve and obtain. He entered promptly upon his mission but found it impossible to procure the rifles. The pistols however were secured and have been of great service in arming the regiment called out by the Convention. The claim for these arms which is about \$25,000 is due to a citizen of the government with which we are at war and it will devolve upon the Legislature to determine its adjustment.

Some strenuous exertions have been made by the Executive to procure an additional supply of arms for the State, but this subject is deemed prudent to make the substance of a special report to your Honorable body.

**Gentlemen:** Having fulfilled my constitutional duty, it is now my privilege to commit the government into your hands and into those of the distinguished gentleman whom my fellow citizens have chosen to succeed me, and who will cooperate with you in your future legislation.

In the foregoing communication I have said only those things which the propriety of my situation would permit and which the most important necessities of the government demanded. It was sufficient that I convey to you a succinct statement of the significant transactions which have transpired since the occasion upon which I assumed the responsibility of acting as Chief Magistrate of this State.

There are many more things which I might have said. It was no difficult task to indulge in reflections and to amplify recommendations. But we are in the beginning of an age of action.

What you require are facts. Your wisdom will enable you to mould them into law and your freshness from the great source of all law and sovereignty—the people—will cause you to conform your actions to their will.

The realities of a great war in which we are engaged will require the exercise of all your financial ability, all your military skill and devotion to the public welfare. I am confident that you will display all those qualities at the same time that you will rely unwaveringly upon "Him who doeth all things well." Thus will the fruits of your labors soon be peaceful independence and a prosperous State.

—Edward Clark.

Mr. Selman offered the following resolution: "**Resolved**, That the Judiciary Committee be instructed to take under consideration the subjects 'suits, records, and papers which pertained to the Federal Courts in 'Texas' and report by bill what disposition shall be made of that class of business over which the Confederate Court has no jurisdiction but is still pending therein." Adopted.

Mr. Harcourt introduced a bill supplemental to an Act authorizing the issuing of duplicate land warrants. Read 1st and 2nd times and referred to Judiciary Committee. Also, a bill to amend an Act for the relief of master builders. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Scarborough introduced a bill in regard to change of venue of cases in the 12th Judicial District. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Batte introduced a bill granting certain powers to the mayor of the town of Mount Vernon in Titus County.



Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Graham introduced a bill granting preemption privileges to actual settlers. Read 1st and 2nd times and referred to Committee on Public Lands.

Mr. Shelley introduced a bill for the relief of the heirs of Charles Clark deceased. Read 1st and 2nd times and referred to Committee on Private Land Claims.

Mr. Harcourt introduced a joint resolution authorizing the Governor to appoint competent agents for the State to receive and forward to our brave soldiers such articles of clothing, blankets, &c., as may be contributed for their comfort by citizens of the State. Read 1st and 2nd times and referred to the Committee on Military Affairs.

Mr. Darden offered the following resolution: "**Resolved**, That the Committee on Military Affairs be instructed to inquire into the propriety of establishing a depot for the reception of goods forwarded to the Texas Volunteers, and hospitals for the sick at some convenient point out of the State of Texas." Adopted.

On motion of Mr. Parsons the message of Governor Clark was read, and on motion of Mr. Guinn the subjects embraced therein were referred to the appropriate committees.

Mr. Crawford of Jasper moved to have 500 copies of the message printed. Mr. Harcourt moved to amend by substituting 1000 copies. Accepted. Whereupon Mr. Shelley moved to strike out 1000 and insert 500. Carried. The motion was then put and carried.

On motion of Mr. Crawford of Jasper the joint resolution offered by him yesterday relative to business was taken up and made the special order for Monday next at 11 o'clock A. M.

On motion of Mr. Guinn, Mr. Erath was added to the Committee on Military Affairs.

On motion of Mr. Harcourt the Senate adjourned until Monday, 10 o'clock A. M.

Monday, November 11, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called. Quorum present. The journal of Saturday was read and adopted.

A message was received from the House informing the Senate that the House had passed the two following resolutions: "**Resolved, the Senate concurring**, That a joint committee of five from the House and three from the Senate be appointed on the Court of Claims." "**Resolved**, That the Committee on Military Affairs are requested to take